

PENDING BUSINESS.

The House resumed consideration of the pending business, same being Senate bill No. 6, the Santa Fe Merger Bill, with veto message of the Governor.

Question—Shall the bill be passed, notwithstanding the objections of the Governor?

Mr. Love of Williamson moved the previous question, and the motion was not seconded.

After further consideration by the House,

Mr. Fuller moved the previous question, and the main question was ordered.

The Clerk was directed to call the roll, and the following was the result:

Yeas—83.

Adams.	Henderson.
Adkins.	Heslep.
Austin.	Hume.
Baker.	Kennedy.
Ballengee.	King.
Baskin.	Kubena.
Beaty.	Lane.
Blalock.	MacInerney.
Blanton.	Martin.
Bogard.	Mason.
Bowles.	McDonald.
Bowman.	McGregor.
Braly.	McKinney.
Briggs.	Mobley.
Briscoe.	Murray.
Brown of Wharton.	Neblett.
Browne of Harris.	O'Beirne.
Canales.	O'Bryan.
Carswell.	Onion.
Chapman.	Peeler.
Clements.	Pierce.
Cobbs.	Pool.
Cocke.	Rayburn.
Crisp.	Reedy.
Crockett.	Roberson of Erath.
Currey.	Roos.
Daniel.	Savage of Nueces.
Davis of El Paso.	Schlosshan.
Davis of Williamson.	Shelby.
Dodd.	Silliman.
Driggers.	Smith.
Duncan.	Sperry.
Elkins.	Stanford.
Fowler.	Stratton.
Fuller.	Terrell of McLennan.
Gafford.	Thomas of Fannin.
Gieptner.	Thomas of Tyler.
Giesen.	Thompson.
Gilmore.	Werner.
Goodman.	Witherspoon.
Green.	Young.
Grinstead.	

Nays—36.

Mr. Speaker.

Alderdice.	Lively.
Bartlett.	McCallum.
Bell of Limestone.	McConnell.
Bryan.	Mears.
Cable.	Moore.
Cox.	Nelson of Hopkins.
Davis of Brazos.	Nelson of Kaufman.
Dean.	O'Neal.
Gaines.	Patton.
Graham.	Ralston.
Jackson.	Ray.
James.	Ridgway.
Jenkins.	Robertson of Bell.
Jennings.	Robertson of Travis.
Johnson.	Stephenson.
Kindred.	Wilson.
Strickland.	Wolfe.
Walter.	

Present—Not Voting.

Bell of Freestone.	Wade.
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Absent.

Camp.	Terry.
Hamilton.	

Absent—Excused.

Trenckmann.

PAIRED.

Mr. Love of Williamson (present), who would vote "nay," with Mr. Terrell of Cherokee (absent), who would vote "yea."

Mr. Orgain (present), who would vote "nay," with Mr. McKenzie (absent), who would vote "yea."

Mr. Wilmeth (present), who would vote "nay," with Mr. Crawford (absent), who would vote "yea."

Mr. Savage of Bell (present), who would vote "nay," with Mr. Holshousen (absent), who would vote "yea."

I subscribe fully to the doctrine that the railroads should be kept under strict control by the people—without this control they are a menace to the public—under this control they can be made the servants of the people and of great advantage and lasting good to the people. I will always be found voting for any and all measures looking to the proper supervision of the railroads and strengthening of our Railroad Commission and adding to its powers. But under proper supervision and control, railroads can be and are a great factor in the development of our State, and Texas needs and wants development. I can

see no harm in this bill, and can see great good to a large section of the State. I vote "yea."

SILLIMAN.

I can see no constitutional or other reason for voting against the Santa Fe Merger Bill. It looks more to me like a permit to extend than a merger bill. If enacted into a law it means the building of about one hundred and forty-five miles of railway through a country much of which has suffered seriously by ravages of the boll weevil. The merger bill, if passed, would put the territory traversed by this line of railway in front as a truck and fruit country, as a grain country, as a lumber country. It is a measure, the enactment into law of which would give shipping facilities to a most worthy, industrious and honest citizenship, and in my opinion, to deny them the right to have their territory linked as other parts of Texas are, by the steel bands that hold the component parts of commerce and prosperity together, would be to deny them the right to facilities that they should enjoy, and which other sections enjoy, I do not believe that these people should be denied the right to have a railroad. If this is a competing line, I am sure the Commission has power to make and revoke rate rulings, a right which railroads do not enjoy under commission government. The Governor has a constitutional right of veto. The Legislature the same right of making laws after he has placed his stamp of disapproval upon them.

In the Senate on final passage, this bill received twenty votes, and there were six cast against it. In the House on final call, it received seventy votes and thirty-two were cast against it. Such conclusions as these lead me to the opinion that the Governor was not in error because he was honest in vetoing, and that the Legislature was not in error in passing this bill. With whatever degree of trepidation I approach a vote to make a law against the wishes of our Chief Executive, as expressed in his message, I vote for the bill and risk it to the people whose interests are at stake to say as to who was right, the Legislature or the Governor. I am sure the Governor regretted that occasion arose which necessitated the use of his constitutional right, just as deeply as I regret that I must still differ from him.

YOUNG.

VERIFICATION OF VOTE.

When the roll call was completed and the vote counted, the Speaker stated that it showed the following result: 123 members present—83 of whom were recorded voting "yea," 36 recorded voting "nay," 4 "paired" and 2 present-not voting, whereupon

Mr. Cable called for a verification of the vote.

The Clerk was then directed to call the roll of those recorded voting "yea," and the "yeas" were called.

The Clerk was then directed to call the roll of those recorded voting "nay," and the "nays" were called.

The Clerk was then directed to call the roll of those recorded "present-not voting," and same was called.

The Clerk was then directed to call the roll of those recorded "absent." The absentees were called.

When the list of absentees had been called,

Mr. Wade rose and stated that he was present in the Hall when the vote was taken, and that his name was called among the "absentees," though he was "present."

Mr. Wade was asked by the Chair if he had voted, and he stated that he did not vote.

The Chair then informed Mr. Wade that this being a verification of the vote, no change could be made in the roll call, except to correct same when a member had been incorrectly recorded.

Mr. Bell of Freestone then rose and stated that he was present in the Hall when the question was put and when the roll call began; that he was called to the reception room, and that he returned into the Hall just as the verification was called for, not being present when his name was called, and that he desired to vote.

He was informed by the Chair that no changes could be made in the roll call, this being a verification of the vote, except to make corrections where a member had been incorrectly recorded.

Mr. Bell of Freestone was then asked to make a statement to the House, to be recorded in the Journal.

MR. BELL'S STATEMENT.

I was present when the roll call began; was not present when my name was called on the roll; was not present

when the roll call was concluded, and came into the House as the verification was being demanded. Just after the roll call began I was sent for by a gentleman in the reception room (whose name I did not learn), who said he wanted to see me about the conference report on the text-book bill. I went with him into the hall at the head of the stairs, intending to return in time to vote. The party with whom I was talking wrote down the information I gave him about the free conference agreement. This consumed so much time that the roll call was completed when I got back into the House. As I walked in, a verification of the vote was called for, and I asked permission to vote.

The Speaker then directed the Clerk to call the roll of those recorded "absent-excused," and the roll of "absent-excused" was called.

The Speaker then stated that he would announce the verified result of the vote.

Mr. Wade then rose and stated that he was present in the Hall when the roll was called, that he did not vote, and that he now desired to be recorded as voting.

The Speaker stated that it was not in order to make any changes in the roll call, this being a verification, except where a member had been incorrectly recorded, and directed the Clerk to record Mr. Wade "present—not voting."

He was so recorded.

The Speaker then directed the Clerk to record Mr. Bell of Freestone "present—not voting."

He was so recorded.

The Speaker then announced that the verified vote stood as follows:

83 yeas; 36 nays; present-not voting, 2; paired, 4.

The Speaker then directed the Clerk to call the names of those recorded "present-not voting," and the names were called, showing the same as previously announced.

The Speaker then announced the result of the verified vote as follows:

83 yeas; 36 nays; 6 present-not voting; 125 members present—and that, it requiring a two-thirds majority of the members present, the bill failed to pass.

Mr. Alderdice moved to reconsider the vote by which Senate bill No. 6 failed to pass, notwithstanding the objection of the Governor.

The motion to reconsider prevailed.

Question—Shall Senate bill No. 6 be passed, notwithstanding the objection of the Governor?

Mr. Graham moved the previous question, and the main question was ordered.

The Clerk was directed to call the roll and the bill was passed by the following vote:

Yeas—88.

Adams.	Browne of Harris.
Adkins.	Camp.
Alderdice.	Canales.
Austin.	Carswell.
Baker.	Chapman.
Ballengee.	Clements.
Baskin.	Cobbs.
Beaty.	Cocke.
Blalock.	Crisp.
Blanton.	Crockett.
Bogard.	Currey.
Bowles.	Daniel.
Bowman.	Davis of El Paso.
Braly.	Davis of
Briggs.	Williamson.
Briscoe.	Dodd.
Brown of Wharton.	Driggers.
Duncan.	O'Bryan.
Elkins.	Onion.
Fowler.	Peeler.
Fuller.	Pierce.
Gafford.	Pool.
Gieptner.	Rayburn.
Giesen.	Reedy.
Gilmore.	Roberson of Erath.
Goodman.	Roos.
Green.	Savage of Nueces.
Grinstead.	Schlosshan.
Henderson.	Shelby.
Heslep.	Silliman.
Hume.	Smith.
Kennedy.	Sperry.
King.	Stanford.
Kubena.	Stratton.
Lane.	Strickland.
MacInerney.	Terrell of Cherokee.
Martin.	Terrell of McLennan.
Mason.	Thomas of Fannin.
McDonald.	Thomas of Tyler.
McGregor.	Thompson.
McKinney.	Wade.
Mobley.	Werner.
Murray.	Witherspoon.
Neblett.	Young.
O'Beirne.	

Nays—36.

Mr. Speaker.

Bartlett.	McCallum.
Bell of Freestone.	McConnell.
Bell of Limestone.	Mears.
Bryan.	Moore.
Cable.	Nelson of Hopkins.

Cox.	Nelson of Kaufman.
Davis of Brazos.	O'Neal.
Dean.	Patton.
Gaines.	Ralston.
Graham.	Ray.
Jackson.	Ridgway.
James.	Robertson of Bell.
Jenkins.	Robertson of
Jennings.	Travis.
Johnson.	Stephenson.
Kindred.	Walter.
Lively.	Wilson.
Love of	Wolfe.
Williamson.	

Absent.

Hamilton. Terry.

Absent—Excused.

Trenckmann.

PAIRED.

Mr. Orgain (present), who would vote "nay," with Mr. McKenzie (absent), who would vote "yea."

Mr. Savage of Bell (present), who would vote "nay," with Mr. Holshousen (absent), who would vote "yea."

Mr. Wilmeth (present), who would vote "nay," with Mr. Crawford (absent), who would vote "yea."

Heretofore I have voted against Senate bill No. 6, being the Santa Fe Merger Bill and, personally, I am against railroad mergers. I vote for the bill now because I have been petitioned to do so by a very large number of the farmers of my county on the grounds that the merger will be of great benefit to the farmers and fruit growers of East Texas in that it would give them railway connections with the Northern points for their fruits and other products. With this object in view, and believing it my duty to carry out the wishes of my constituents, more especially when in the interest of the farmers, I now vote for the bill.

BOWLES.

The Speaker then announced the result: 88 yeas; 36 nays; 3 present—not voting; 127 members present, and that the bill was passed.

When the Speaker announced the result Mr. Gaines raised the point of order that the bill had not passed, and in support of the point of order submitted to the Chair the following proposition:

The Constitution, in providing the procedure of passing a bill over the Governor's veto, provides that it shall be returned with his objections to the house in which it originated, and that this house, that is, "the house in which it originated," may pass it by "two-thirds of the members present." Then the bill shall be sent to the other house where it can pass by "two-thirds of the members of that house." The point of order being that in this case the bill could pass the Senate by two-thirds of those "present," but that in the House it required two-thirds of the "members of the House," which would mean two-thirds of all the members elected, or eighty-nine votes, and there being only eighty-eight votes cast in favor of the bill, it had not passed.

The Speaker overruled the point of order, and announced that the bill was passed.